

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL**

Writ Petition No. 1628 (S/S) 2007

Om Prakash Aggarwal S/o late Sri Elam Chand,
R/o 67 E.W.S. Awas Vikas Colony,
Behind Vaishali Talkies, Roorkee,
District Haridwar. -----Petitioner.

Vs.

1. Bharat Sanchar Nigam Ltd.
Through it's General Manager,
2. Ashok Kumar Chaudhary, S.D.E.(Intl) OCB,
Phones Indoor,
Ramnagar Exchange Awas Vikas Colony,
Roorkee, District Haridwar. -----Respondents.

Ms. Prabha Nauliyal, learned counsel for the petitioner.
Asstt. Solicitor General for Union of India/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Ms. Prabha Nauliyal, learned counsel for the
petitioner.

This writ petition has been filed by the petitioner
with the following reliefs:-

- i Issue a writ, order or direction in the nature of certiorari quashing and setting aside the transfer order dated 26.10.2007 passed by respondent no.2,
- ii. Issue a writ, order or direction in the nature of mandamus commanding respondent no.2 to decide the representation of the petitioner dated 29.10.2007 during the pendency of this writ petition,

- iii To pass any order further orders, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.
- iv. Award the cost of the petition to the petitioner.

The petitioner has submitted that he is a regular employee in Bharat Sanchar Nigam Ltd. and is working as Technician at Ramnagar Exchange, Awas Vikas Colony Roorkee. On 29.01.2003, the petitioner met with an accident due to which his left leg bone and ball of the hip was broken. On 25.04.2007, the petitioner got attack of paralysis on his left leg and he go medically treated at Apollo Hospital, New Delhi. On 14th May 2007 the petitioner, while performing his duties, fell unconscious. His wife is also a heart patient and her treatment is going on the Heart Care and Diagnostic Centre Roorkee. Retirement of the petitioner is now left merely after two years.

The impugned transfer order has been assailed on the ground that the petitioner is going to be retired after about two years; that the petitioner is suffering from paralysis and the bone of his left leg is broken for which he is receiving life saving treatment; that wife of the petitioner is a State Govt. employee and according to the transfer policy as far as possible the husband and wife would be placed nearby place.

In this regard, the petitioner has already moved a representation on 29.10.2007 before the respondent no.1, which is annexed as Annexure no. 6 to the writ petition.

In these circumstances, the respondents are directed to decide the representation of the petitioner dated 29.10.2007 (annexure no.6 to the writ petition) within two weeks from the date of production of a certified copy of this order. The petitioner is directed to produce a certified copy of this order before the respondent's authority by 17th November 2007.

Till 4th December 2007, or till the representation of the petitioner (annexure no. 6) is decided, whichever is earlier, operation of the impugned transfer order dated 26.10.2007, annexure no.5 to the writ petition passed by respondent no.2, shall remain stayed.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M.Ghildiyal, J.)

November 7, 2007

NCM: